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OFFICE OF PETITIONS

United States Patent & Trademark Office
Commissioner for Patents /Office of Petitions
P.O. Box 1450
Alexandria, VA 22313

09/294528

RE: Patent # 6,049.910 >> Request /Petition For Reconsideration Letters Enclosed
Payment Fee Amount Sent \$ 400.00
Responding to letter mailed date of April 13th 2011 – From: Office of Petitions

Dear Commissioner of Patents,

On Page 4 of your "Decision On Petition letter, dated April 13th, 2011, under the Analysis heading, in the last paragraph, second sentence, it states that; The record discloses that petitioner submitted a maintenance fee payment of \$1,180, that was \$30 short of the \$1,210 due at the time, on April 16th, 2008. I have enclosed a copy of the cashier's check I sent in for the amount of \$1,215.00 and a enclosed "NOTICE OF NON-ACCEPTANCE OF PATENT MAINTENANCE FEE" which shows a "PAYMENT RECEIPT DATE for the \$1,215.00 on: 04/16/2008. I hope this clarifies all matters and allows for an immediate reinstatement of my patent 6, 049, 910. Thank you for your considerations in these matters.

MY PETITION FOR RECONSIDERATION IS BELOW IF NECESSARY.
PLEASE HANDLE ACCORDINGLY. THANK YOU!

In the Analysis portion of the "Decision On Petition" letter sent to me on April 13th, 2011, it was stated by me that "loss of work-leading to financial hardship" was one of the reasons for my inaccurate payment being unavoidable. After careful review of your Decision Letter and my own analysis and reconsideration I am withdrawing my financial hardship as a point of contention. Though I had financial problems during this time period because of my medical condition it appears to be irrelevant because I was able to generate the funds necessary to pay my maintenance fee on time. The burden of explaining the more important discrepancy of why the maintenance fee I submitted was \$30.00 dollars deficient appears to be the burden you are requesting that I address for reconsideration and re-instatement of my patent.

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I would like to acknowledge that I never received any correspondence from April 19th, 2007 through April 16th, 2008 from the Office of Petitions that stated that my maintenance fee had been increased \$30.00 dollars. I understand that this does not excuse me from my responsibility as a patent holder, but I think it is important to make the point.

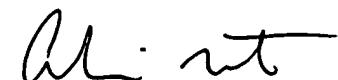
During the time line of 2007 / 2008 I was not in a normal state of mind because of my medical condition at the time. Thus it is possible that I could of unintentionally and unavoidably not follow-up on important but minor details, like making sure my maintenance fee had not increased before I sent in my 2nd maintenance fee payment. During this period I was not efficient as I normally would be in regards to effectively applying ordinary human diligence that is generally used and observed by prudent and careful men in relation to their most important business. Due to my medical condition I was just the opposite. When I am in my normal mind-set I am a very detailed oriented person.

I have enclosed a letter from my orthopedic doctor, Gerald Finerman to confirm my medical conditions during the times I have indicated. The medical facts and circumstances that impacted my mind-set which led to me not following-up on the necessary details resulting on not paying the accurate amount due are addressed in his letter.

Hopefully, the petition information presented will allow you to rule in favor of reconsideration and reinstatement of patent # 6,049,910. If there is any additional information you need from me or Dr. Finerman before you make your final decision I would appreciate it if we are given the opportunity to provide the requested information.

I want to thank the Commissioner of Petitions and the Office of Petitions for giving me the opportunity to present my petition for reconsideration. This is a very important decision and I am hoping for the best outcome for all parties involved in this decision.

Sincerely,


Andre McCarter

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TO UNITED STATES PATENT AND TRADEMARK OFFICES

THE ORDER OF
2ND MAINTENANCE FEE
PATENT # 6,049-910

Two Signatures Required Over \$20,000
VOID AFTER SIX MONTHS